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16		PHARMATECH SOLUTIONS, INC.
17	UNITED STATES	DISTRICT COURT
10	NORTHERN DISTR	ICT OF CALIFORNIA
18	SAN	JOSE
10		
19		Case No. CV11-04494-EJD (PSG)
20	LIFESCAN, INC. and	, ,
20	LIFESCAN SCOTLAND, LTD.,	STIPULATION AND [PROPOSED]
21		ORDER REGARDING SUPPLEMENT
21	Plaintiffs,	
22	v.	TO AMENDED INVALIDITY
22		CONTENTIONS
23	SHASTA TECHNOLOGIES, LLC,	
23	DECISION DIAGNOSTICS CORP.,	Hon. Judge Paul S. Grewal
24	PHARMATECH SOLUTIONS, INC., and	
2 <del>4</del>	CONDUCTIVE TECHNOLOGIES, INC.,	
25		
23	Defendants.	
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WHEREAS, pursuant to the Patent Scheduling Order in this case (Dkt. No. 131), defendants Shasta Technologies LLC, Conductive Technologies Inc., InstaCare Corp. and Pharmatech Solutions, Inc. ("Defendants") served their Amended Invalidity Contentions on November 21, 2012 and November 26, 2012;

WHEREAS, on January 11, 2013, counsel for certain of the Defendants noted that the defendants' Amended Invalidity Contentions failed to include two prior art references, which Defendants believe may shed light on the validity of two of the patents-in-suit, U.S. Patent Nos. 5,708,247 and 6,241,862, and which should have been included in the Amended Invalidity Contentions;

WHEREAS, upon recognition of this inaccuracy, counsel for certain of the Defendants notified counsel for plaintiffs LifeScan, Inc. and LifeScan Scotland, Ltd. ("Plaintiffs") of their desire to amend their Amended Infringement Contentions to include the references as set forth in Exhibit "A," attached hereto.

WHEREAS, Defendants previously stipulated and joined Plaintiffs in their request to amend their invalidity contentions to include material that was inadvertently excluded (Dkt. No. 171);

WHEREAS, Plaintiffs do not object to the Defendants' proposed amendment and Plaintiffs will not be prejudiced by the requested amendment;

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record, subject to approval by the Court, that Defendants may supplement their Amended Invalidity Contentions to include the material set forth in Exhibit "A," attached hereto.

Dated: February 15, 2013

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27 New Your Telepho

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<u>/s/</u>

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		PHARMATECH SOLUTIONS, INC.
14		, , , , , , , , , , , , , , , , , , ,
	PURSUANT TO STIPULATION, IT IS SO	, , , , , , , , , , , , , , , , , , ,
15	PURSUANT TO STIPULATION, IT IS SO	OORDERED
	EQU O Dal	, , , , , , , , , , , , , , , , , , ,
15	EDWARD J. DAVILA	OORDERED
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15 16 17 18 19 20 21 22 23 24 25	EDWARD J. DAVILA	OORDERED

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1	I hereby attest that I have on file written permission to sign this stipulation from all parties
2	whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.
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4	/s/ Jeff Grant Jeff Grant
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8	2.1.5.1.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4	
9		
10	UNITED STATES	DISTRICT COURT
11	NORTHERN DISTRI	CT OF CALIFORNIA
12	SAN JOSE	DIVISION
13		
14	LIFESCAN, INC. AND LIFESCAN SCOTLAND, LTD.	CASE No. 5:11-CV-4494 EJD
15		SUPPLEMENT TO AMENDED INVALIDITY CONTENTIONS OF
16	Plaintiff,	DEFENDANTS SHASTA TECHNOLOGIES, LLC, INSTACARE
17	VS.	CORP., PHARMATECH SOLUCTIONS, INC., AND CONDUCTIVE
18	SHASTA TECHNOLOGIES, LLC, INSTACARE CORP., PHARMATECH	DETCHNOLOGIES, INC.
19	SOLUTIONS, INC. and CONDUCTIVE TECHNOLOGIES, INC.	PATENT LOCAL RULE 3-3
20	TECH (OEO GIES, II (C.	
21	Defendants.	
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Defendants hereby supplement their respective Amended Invalidity Contentions with the material set forth below. This supplement adds to and does not replace Defendants' Amended Invalidity Contentions, were are specifically incorporated as if set forth fully herein.

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#### I. SUPPLEMENTAL INVALIDITY CONTENTIONS

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A. 3-3(a) and (b) The Identity of Each Item of Prior Art

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'247 Patent 1.

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8	Patent No.	Issued	Country	Basis and Reason
9	4,689,309	8/25/1987	USA	<b>Obvious.</b> The '309 Patent describes an integrated layer
10				that includes a reagent and a glucose permeable carrier
11				matrix that includes a silicon-containing polymerizable
12				material. The patents-in-suit describe the "preferred
13				filler for us in the layer [as] silica. '247 Patent at 4:10,
14				'862 Patent at 6:42. One of ordinary skill in the art
15				would have been motivated to combine this reference
16				with what Plaintiffs admit was known in the art at the
17				time of the invention. The design step contemplated by
18				this reference was well within the grasp of a person of
19				ordinary skill in the relevant art. A person of ordinary
20				skill in the art could have combined this reference with
21				the state of the art as admitted by the Plaintiffs existed at
22				the time of their invention and would have seen the
23				benefits of doing so.
24	5,628,890	5/13/1997	USA	<b>Obvious.</b> The '890 Patent describes a hydrophilic layer,
25				possibly comprised of silicon, that is treated to create
26				hydrophilic surface regions. '890 Patent at 6:48-54. The
27				'890 Patent also discloses a three electrode strip test strip
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Case No.: 5:11-cv-4494 EJD

1	Patent No.	Issued	Country	Basis and Reason
2				for detecting glucose in blood, including a working
3				electrode and a reference or counter electrode. The '890
4				Patent describes reference or counter electrode
5				downstream from the working electrode in the transfer
6				path. One of ordinary skill in the art would have been
7				motivated to combine this reference with what Plaintiffs
8				admit was known in the art at the time of the invention.
9				The design step contemplated by this reference was well
10				within the grasp of a person of ordinary skill in the
11				relevant art. A person of ordinary skill in the art could
12				have combined this reference with the state of the art as
13				admitted by the Plaintiffs existed at the time of their
14				invention and would have seen the benefits of doing so.

'862 Patent 2.

10				
17	Patent No.	Issued	Country	Basis and Reason
18	4,689,309	8/25/1987	USA	<b>Obvious.</b> The '309 Patent describes an integrated layer
19				that includes a reagent and a glucose permeable carrier
20				matrix that includes a silicon-containing polymerizable
21				material. The patents-in-suit describe the "preferred
22				filler for us in the layer [as] silica. '247 Patent at 4:10,
23				'862 Patent at 6:42. One of ordinary skill in the art
24				would have been motivated to combine this reference
25				with what Plaintiffs admit was known in the art at the
26				time of the invention. The design step contemplated by
27				this reference was well within the grasp of a person of
28				

Patent No.	Issued	Country	Basis and Reason
			ordinary skill in the relevant art. A person of ordinary
			skill in the art could have combined this reference with
			the state of the art as admitted by the Plaintiffs existed at
			the time of their invention and would have seen the
			benefits of doing so.

# B. Local Rule 3-3(c) – A Chart Identifying Where Specifically In Each Alleged Item of Prior Art Each Limitation Of Each Asserted Claim Is Found.

#### 3. **'247 Patent**

Claim	Prior Art
Claim 1	
A disposable test strip for use in a	Plaintiffs concede this element is in the prior art. Nevertheless, and
test meter which receives a	without limitation, '890 Patent describes a disposable test strip for
disposable test strip and a sample of	use in a meter that measures the amount of glucose in a sample of
blood and performs an	blood. See, e.g., '890 Patent at abstract, col. 1, lines 4-64.
electrochemical analysis of the	
amount of glucose in the sample,	
comprising	
(a) a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and
	without limitation, the '309 Patent and the '890 Patent describe
	substrates. See, e.g., 309 Patent at col. 4, lines 41-47 ("A new and
	improved carrier matrix formed from a dispersion of a
	polymerizable silicon containing compound applied in an
	incompletely cured from in a liquid carrier containing a
	homogeneously mixed reactant system is applied by painting or any

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1	Claim	Prior Art
2		other means over a suitable substrate to form the test device into
3		layer form."); '890 Patent at col. 3, lines 41-44 ("The electrode
4		support 1, typically an elongated strip of plastic material, e.g., PVC,
5		polycarbonate or polyester, supports to or more printed tracks of
6		electrically conducting carbon ink.").
7		
8	(b) a reference electrode	Plaintiffs concede this element is in the prior art. Nevertheless, and
9		without limitation, the '890 Patent describes a reference electrode.
10		See, e.g., '890 Patent at abstract (" An electrode strip for use in an
11		electrochemical sensor for measuring a compound in a sample is
12		provided, including an electrode support, a reference or counter
13		electrode disposed on the support, a working electrode spaced from
14		the reference or counter electrode on the support").
15		
16	(c) a working electrode,	Plaintiffs concede this element is in the prior art. Nevertheless, and
17		without limitation, the '890 Patent describes a working electrode.
18		See, e.g., '890 Patent at abstract (" An electrode strip for use in an
19		electrochemical sensor for measuring a compound in a sample is
20		provided, including an electrode support, a reference or counter
21		electrode disposed on the support, a working electrode spaced from
22		the reference or counter electrode on the support").
23	said working electrode comprising a	Plaintiffs concede this element is in the prior art. Nevertheless, and
24	conductive base layer disposed on a	without limitation, the '890 Patent describes a working electrode
25	substrate	that consists of, in part, a conductive base layer disposed on a
26		substrate. See, e.g., '890 Patent at abstract ("An electrode strip for
27		use in an electrochemical sensor for measuring a compound in a
28		

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	Claim	Prior Art
$2 \mid \mid$		sample is provided, including an electrode support, a reference or
3		counter electrode disposed on the support, a working electrode
↓		spaced from the reference or counter electrode on the support").
5		
5		
7		
3	said first working coating comprising	Both the '309 Patent and the '890 Patent feature a working coating
$\ $	a filler having both hydrophobic and	that consists of both hydrophobic and hydrophilic surface regions
$\ $	hydrophilic surface regions such that	that form a network upon drying. '309 Patent at abstract, col. 3, line
	it forms a network upon drying,	58 to col. 4, line 40' col. 5, line 35 to col. 6, line 57 ("The silicon-
$   \cdot   $		containing compounds, useful in accordance with the invention are
3		those which can be dispersed in an essentially insoluble carrier";
₊		"the polymerizable silicon-containing compound forming the carrier
5		matrix comprises a continuous water phase and an aionically
5		stabilized dispersed silicone phase wherein the silicone phase is a
,		graft copolymer of a water soluable silicate and a hydroxyl
3		endblocked polydiorganosiloxane."); '890 Patent at col. 2, lines 39-
$\ $		64, col. 6, lines 48-53 ("The upper surface of the tape layer can also
$\ $		be usefully provided with a layer of silicone or other hydrophobic
		coating which helps to drive the applied sample on the portion of
		exposed surfactant coated mesh at the application point and thus
3		make the application of small volumes of sample much simpler.").
í	said first working coating comprising	Both the '309 Patent and the '890 Patent feature a working coating
5	an enzyme effective to oxidize	that includes a glucose oxidizing enzyme. '309 Patent col. 1, lines
5	glucose,	55-64 ("The reagent strip includes a reactant system comprising an
,    7		enzyme, such as glucose oxidase "; col. 3, lines 58-65; col. 5, line
3		35 to col. 6, line 57; '890 Patent at abstract; col. 2, lines 9-15 ("The

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1	Claim	Prior Art
2		working electrode includes either an enzyme capable of catalyzing a
3		reaction involving a substrate for the enzyme or a substrate
4		catalytically reactive with an enzyme and a mediator").
5	said first working coating comprising	Plaintiffs concede this element is in the prior art. Nevertheless, and
6	a mediator effective to transfer	without limitation, the '890 Patent describes a mediator to transfer
7	electrons from the enzyme to the	electrons from the enzyme to a conductive base layer. '890 Patent at
8	conductive base layer	abstract; col. 2, lines 9-15 ("The working electrode includes either
9		an enzyme capable of catalyzing a reaction involving a substrate for
10		the enzyme or a substrate catalytically reactive with an enzyme and
11		a mediator").
12	(d) means for making an electrical	Plaintiffs concede this element is in the prior art. Nevertheless, and
13	connection between the reference	without limitation, the '890 Patent describes the means for making
14	and working electrode and a glucose	an electrical connection between the reference electrode, the
15	test meter	working electrode and the glucose test meter. '890 Patent at
16		abstract; col. 6, lines 54-65 ("Accordingly, in use, a sensor strip of
17		the invention is connected, via electrode contacts 3, to a measuring
18		device (not shown) The sample first covers working electrode 5
19		in its entirety, and only then approaches and covers reference
20		electrode 4, completing the circuit and causing a response to be
21		detected by the measuring device.").
22		
23	Claim 2	
24	The test strip of claim 1, where in the	The elements of the independent claim are set for above and
25	working layer is non-conductive	incorporated herein by this reference. Both the '309 Patent
26		and the '890 Patent describe a working layer with no
27		conductive properties. '309 Patent at abstract; col. 3, line 25 to
28		col. 5, line 3; '890 Patent at abstract; col. 1, line 65 to col. 3,

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Claim	Prior Art
	line 7.
Claim 24	
A method for making a	Plaintiffs concede this element is in the prior art. Nevertheless, and
disposable test strip for the	without limitation, the '890 Patent describes disposable test strips
electrochemical detection of	for the electrochemical detection of glucose. See, e.g., '890 Patent
glucose, comprising the steps of:	at abstract, col. 1, line 65 to col. 2, line 15 ("the invention features
	an electrode strip for use in an electrochemical sensor for measuring
	a compound in a sample").
(a) applying a working and	Plaintiffs concede this element is in the prior art. Nevertheless, an
reference electrode tracks to a	without limitation, the '890 Patent describes applying both a
substrate	working electrode track and a reference electrode track to the
	substrate. '890 Patent at abstract, col. 1, line 66 to col. 2, line 65
	("including an elongated electrode support defining a sample
	transfer path for directional flow of the sample from an application
	point along the support, a working electrode in the sample transfer
	path, and a reference or counter electrode downstream of any porti
	of the working electrode in the sample transfer path.").
(b) applying a conductive base	Plaintiffs concede this element is in the prior art. Nevertheless, and
layer in contact with the working	without limitation, the '890 Patent describes a conductive base layer
electrode track; and	against the working electrode track. '890 Patent at abstract, col. 1,
	line 66 to col. 2, line 65 ("including an elongated electrode support
	defining a sample transfer path for directional flow of the sample
	from an application point along the support, a working electrode in
	the sample transfer path, and a reference or counter electrode

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1	Claim	Prior Art
2		downstream of any portion of the working electrode in the sample
3		transfer path.").
4	(c) applying a working layer over	The '890 Patent describes a working layer with hydrophobic
5	the conductive layer wherein the	and hydrophilic surface regions over the working layer. '890
6	working layer comprises a filler	Patent at Col. 5, line 66 to col. 6, line 5; col 6, lines 48-53
7	having both hydrophobic and	("The upper surface of the tape layer can also be usefully
8	hydrophilic surface regions such	provided with a layer of silicone or other hydrophobic coating
9	that it forms a network upon	which helps to drive the applied sample onto the portion of
10	drying,	exposed surfactant coated mesh at the application point").
11	(c) applying a working layer over	Both the '309 Patent and the '890 Patent feature a working coating
12	the conductive layer wherein the	that includes a glucose oxidizing enzyme. '309 Patent col. 1, lines
13	working layer comprises an	55-64 ("The reagent strip includes a reactant system comprising an
14	enzyme to oxidize glucose, and a	enzyme, such as glucose oxidase"; col. 3, lines 58-65; col. 5, line
15	mediator effective to transfer	35 to col. 6, line 57; '890 Patent at abstract; col. 2, lines 9-15 ("The
16	electrons from the enzyme to the	working electrode includes either an enzyme capable of catalyzing a
17	conductive base layer	reaction involving a substrate for the enzyme or a substrate
18		catalytically reactive with an enzyme and a mediator").
19		The '890 Patent describes a mediator to transfer enzymes to the
20		electrodes. '890 Patent at abstract; col. 2, lines 9-15 ("The working
21		electrode includes either an enzyme capable of catalyzing a reaction
22		involving a substrate for the enzyme or a substrate catalytically
23		reactive with an enzyme and a mediator").
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Claim	Prior Art
(c) applying a working layer over	Plaintiffs concede this element is in the prior art. Nevertheless, and
the conductive layer wherein the	without limitation, the '890 Patent describes a mediator to transfer
working layer comprises a	electrons from the enzyme to a conductive base layer. '890 Patent at
mediator effective to transfer	abstract; col. 2, lines 9-15 ("The working electrode includes either
electrons from the enzyme to the	an enzyme capable of catalyzing a reaction involving a substrate for
conductive base layer	the enzyme or a substrate catalytically reactive with an enzyme and
	a mediator").

#### 4. '862 Patent

Claim	Prior Art
Claim 1	
A disposable test strip for use in a test meter which receives a disposable test strip and a sample of blood and performs an electrochemical analysis of the amount of a blood analyte in the sample, comprising	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, '890 Patent describes a disposable test strip for use in a meter that measures the amount of glucose in a sample of blood. <i>See</i> , <i>e.g.</i> , '890 Patent at abstract, col. 1, lines 4-64.
(a) a substrate	Plaintiffs concede this element is in the prior art. Nevertheless, and without limitation, the '309 Patent and the '890 Patent describe substrates. <i>See</i> , <i>e.g.</i> , 309 Patent at col. 4, lines 41-47 ("A new and improved carrier matrix formed from a dispersion of a polymerizable silicon containing compound applied in an incompletely cured from in a liquid carrier containing a homogeneously mixed reactant system is applied by painting or any other means over a suitable substrate to form the test device into

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1	Claim	Prior Art
2		layer form."); '890 Patent at col. 3, lines 41-44 ("The electrode
3		support 1, typically an elongated strip of plastic material, e.g., PVC,
4		polycarbonate or polyester, supports to or more printed tracks of
5		electrically conducting carbon ink.").
6	(b) a first conductive element	Plaintiffs concede this element is in the prior art. Nevertheless, and
7	disposed on the substrate	without limitation, the '890 Patent describes a conductive element
8		disposed on the substrate. See, e.g., '890 Patent at abstract (" An
9		electrode strip for use in an electrochemical sensor for measuring a
10		compound in a sample is provided, including an electrode support, a
11		reference or counter electrode disposed on the support, a working
12		electrode spaced from the reference or counter electrode on the
13		support").
14	(c) a second conductive element	Plaintiffs concede this element is in the prior art. Nevertheless, and
15	disposed on the substrate in	without limitation, the '890 Patent describes the means for making
16	sufficient proximity to the first	an electrical connection between the reference electrode, the
17	conductive element to allow the	working electrode and the glucose test meter. '890 Patent at
18	completion of an electrical circuit	abstract; col. 6, lines 54-65 ("Accordingly, in use, a sensor strip of
19	between the first and second	the invention is connected, via electrode contacts 3, to a measuring
20	conductive element when a	device (not shown) The sample first covers working electrode 5
21	sample of blood is placed on the	in its entirety, and only then approaches and covers reference
22	test strip	electrode 4, completing the circuit and causing a response to be
23		detected by the measuring device.").
24	(d) a non-conductive integrated	The '309 Patent describes an integrated layer that includes
25	reagent/blood separation layer	reagents and blood separation capabilities (in the form of
26	disposed on the first conductive	silicone), effective to exclude red blood cells, that is disposed
27	element said integrated	on a disposable test strip. '309 Patent at col. 5, line 35 to col.
28		

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1	Claim	Prior Art
2	reagent/blood separation layer	6, line 57; col. 7, line 62-col. 8, line 44; see also '890 Patent at
3	comprising reagents for the	col. 7, lines 36-41 and 47-67.
4	electrochemical detection of any	
5	analyte dispersed in a non-	
6	conductive matrix effective to	
7	exclude blood cells from the	
8	surface of the first conductive	
9	element while permitting access	
10	to the first conductive element by	
11	soluble electroactive species; and	
12	(e) contact for making an	Plaintiffs concede this element is in the prior art. Nevertheless, and
13	electrical connection between the	without limitation, the '890 Patent describes the means for making
14	first and second conductive	an electrical connection between the reference electrode, the
15	element and the test meter	working electrode and the glucose test meter. '890 Patent at
16		abstract; col. 6, lines 54-65 ("Accordingly, in use, a sensor strip of
17		the invention is connected, via electrode contacts 3, to a measuring
18		device (not shown) The sample first covers working electrode 5
19		in its entirety, and only then approaches and covers reference
20		electrode 4, completing the circuit and causing a response to be
21		detected by the measuring device.").
22		
23	Claim 2	
24	The test strip of claim 1, wherein	The elements of the independent claim 1 are set for above and
25	the integrated reagent/blood	incorporated herein by this reference.
26	separation layer comprises an	In addition: Both the '309 Patent and the '890 Patent feature a
27	enzyme for oxidation of glucose	working coating that includes a glucose oxidizing enzyme. '309
28	and a redux mediator effective to	Patent col. 1, lines 55-64 ("The reagent strip includes a reactant

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1	Claim	Prior Art
2	transfer electrons from the	system comprising an enzyme, such as glucose oxidase"; col. 3,
3	enzyme to the first conductive	lines 58-65; col. 5, line 35 to col. 6, line 57; '890 Patent at abstract;
4	element	col. 2, lines 9-15 ("The working electrode includes either an enzyme
5		capable of catalyzing a reaction involving a substrate for the enzyme
6		or a substrate catalytically reactive with an enzyme and a
7		mediator").
8		The '890 Patent describes a mediator to transfer enzymes to the
9		electrodes. '890 Patent at abstract; col. 2, lines 9-15 ("The working
10		electrode includes either an enzyme capable of catalyzing a reaction
11		involving a substrate for the enzyme or a substrate catalytically
12		reactive with an enzyme and a mediator").
13	G1 : 44	
14	Claim 11	
15	The test strip of claim 1, further	The elements of the independent claim 1 are set for above and
16	comprising an insulation layer	incorporated herein by this reference.
17	disposed over at least the first	In addition: the '309 Patent references an insulation layer. See
18	conductive element,	e.g., '309 Patent at col. 3, lines 41-62; col. 6, lines 17-53 ("the
19		upper part of the electrode is enclosed by a liquid/vapor
20		impermeable membrane (typically a flexible tape made of
21		polyester or similar material) which includes a small aperture
22		to allow access of the applied sample to the underlying
23		surfactant coated mesh layers.").
24	Said insulation layer having a first	The elements of the independent claim 1 are set for above and
25	aperture therein aligned with the	incorporated herein by this reference.
26	first conductive element	In addition: the '309 Patent references an insulation layer with
27		an aperture over the electrode. See e.g., '309 Patent at col. 6,
28		lines 17-53 ("the upper part of the electrode is enclosed by a

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1	Claim	Prior Art
2		liquid/vapor impermeable membrane (typically a flexible tape
3		made of polyester or similar material) which includes a small
4		aperture to allow access of the applied sample to the
5		underlying surfactant coated mesh layers.").
6	Wherein the non-conductive	Does this exist?
7	integrated reagent/blood	
8	separation layer contacts the first	
9	conductive element through the	
10	aperture in the insulation layer	
11		
12	Claim 22	
13	A method for forming a	Plaintiffs concede this element is in the prior art. Nevertheless, and
14	disposable test strip for use in a	without limitation, '890 Patent describes a disposable test strip for
15	test meter which receives a	use in a meter that measures the amount of glucose in a sample of
16	disposable test strip and an	blood. See, e.g., '890 Patent at abstract, col. 1, lines 4-64.
17	sample of blood and performs an	, 0,
18	electrochemical analysis of the	
19	amount of blood analyte in the	
20	sample, comprising	
21	(a) a first and second conductive	Plaintiffs concede this element is in the prior art. Nevertheless, and
22	element on a substrate	without limitation, the '890 Patent describes the means for making
23		an electrical connection between two electrodes. '890 Patent at
24		abstract; col. 6, lines 54-65 ("Accordingly, in use, a sensor strip of
25		the invention is connected, via electrode contacts 3, to a measuring
26		device (not shown) The sample first covers working electrode 5
27		in its entirety, and only then approaches and covers reference
28		12

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1	Claim	Prior Art
2		electrode 4, completing the circuit and causing a response to be
3		detected by the measuring device."). Those electrodes are placed on
4		a substrate. '390 Patent at col. 4, lines 40-49.
5	(b) forming a layer of insulation	The elements of the independent claim 1 are set for above and
6	covering the first conductive	incorporated herein by this reference. In addition: the '309
7	element, said layer of insulation	Patent references an insulation layer with an aperture over the
8	having a first aperture therein	electrode. See e.g., '309 Patent at col. 6, lines 17-53 ("the
9	aligned with a portion of the first	upper part of the electrode is enclosed by a liquid/vapor
10	conductive element in a sample	impermeable membrane (typically a flexible tape made of
11	application region; and	polyester or similar material) which includes a small aperture
12		to allow access of the applied sample to the underlying
13		surfactant coated mesh layers.").
14	(c) forming an integrated	Does this exist?
15	reagent/blood separation layer	
16	disposed on the insulation layer	
17	and making contact with the first	
18	conductive element through the	
19	first aperture in the insulation	
20	layer	
21	said integrated reagent/blood	The elements of the independent claim 1 are set for above and
22	separation layer comprising	incorporated herein by this reference.
23	reagents for the electrochemical	In addition: Both the '309 Patent and the '890 Patent feature a
24	detection of glucose dispersed in	working coating that includes a glucose oxidizing enzyme. '309
25	a non-conductive matrix effective	Patent col. 1, lines 55-64 ("The reagent strip includes a reactant
26	to exclude blood cells from the	system comprising an enzyme, such as glucose oxidase"; col. 3,
27	surface of the first conductive	lines 58-65; col. 5, line 35 to col. 6, line 57; '890 Patent at abstract;
28		

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1	Claim	Prior Art
2	element while permitting access	col. 2, lines 9-15 ("The working electrode includes either an enzyme
3	to the first conductive species by	capable of catalyzing a reaction involving a substrate for the enzyme
4	soluble electroactive species,	or a substrate catalytically reactive with an enzyme and a
5	whereby the first conductive	mediator"). The '890 Patent describes a mediator to transfer
6	element is isolated from direct	enzymes to the electrodes. '890 Patent at abstract; col. 2, lines 9-15
7	contact with a sample placed on	("The working electrode includes either an enzyme capable of
8	the test strip.	catalyzing a reaction involving a substrate for the enzyme or a
9		substrate catalytically reactive with an enzyme and a mediator").
10		The '309 Patent describes an integrated layer that includes
11		reagents and blood separation capabilities (in the form of
12		silicone), effective to exclude red blood cells, that is disposed
13		on a disposable test strip. '309 Patent at col. 5, line 35 to col.
14		6, line 57; col. 7, line 62-col. 8, line 44; see also '890 Patent at
15		col. 7, lines 36-41 and 47-67.
16	CI : 22	
17	Claim 23	
18	The method of claim 22, wherein	The elements of the independent claim 1 are set for above and
19	the reagent layer is a non-	incorporated herein by this reference.
20	conductive integrated	In addition: Both the '309 Patent and the '890 Patent feature a
21	reagent/blood separation layer.	working coating that includes a glucose oxidizing enzyme. '309
22		Patent col. 1, lines 55-64 ("The reagent strip includes a reactant
23		system comprising an enzyme, such as glucose oxidase "; col. 3,
24		lines 58-65; col. 5, line 35 to col. 6, line 57; '890 Patent at abstract;
25		col. 2, lines 9-15 ("The working electrode includes either an enzyme
26		capable of catalyzing a reaction involving a substrate for the enzyme
27		or a substrate catalytically reactive with an enzyme and a
28		mediator"). The '890 Patent describes a mediator to transfer

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1	Claim	Prior Art
2		enzymes to the electrodes. '890 Patent at abstract; col. 2, lines 9-15
3		("The working electrode includes either an enzyme capable of
4		catalyzing a reaction involving a substrate for the enzyme or a
5		substrate catalytically reactive with an enzyme and a mediator").
6		The '309 Patent describes an integrated layer that includes
7		reagents and blood separation capabilities (in the form of
8		silicone), effective to exclude red blood cells, that is disposed
9		on a disposable test strip. '309 Patent at col. 5, line 35 to col.
10		6, line 57; col. 7, line 62-col. 8, line 44; see also '890 Patent at
11		• col. 7, lines 36-41 and 47-67.
12		
13		
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